

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested. No claims having been cancelled, the Applicant respectfully submits that claims 26-29 and 32 are properly under consideration in this application.

The Applicant appreciates the Examiner's indication that the formal drawings, amended claims, amended specification paragraphs, and amended abstract submitted on June 12, 2001 were sufficient to overcome the previous objections, including those under 37 C.F.R. § 1.84(p)(5) and 35 U.S.C. § 112.

The specification is again objected to for informalities regarding the format of various trademarks included in the specification. The Applicant has prepared and attached a clean substitute specification with capitalized trademarks, and a marked-up version indicating the changes made, to address this objection. The substitute specification also incorporates the amendments made to the specification and abstract in the response filed June 12, 2001. The Applicant respectfully submits that in some instances, specifically with regard to the trademarked names and/or acronyms of company or organization names, the Applicant is unaware of any suitable "generic" terminology. With respect to the components of the disclosed compositions and films, the Applicant respectfully submits that the present specification provides sufficient "generic" terminology for the associated trademarked products. The Applicant respectfully submits, therefore, that the substitute specification filed herewith is sufficient to overcome this objection and respectfully requests that this objection be withdrawn.

Claims 26-29 stand rejected under 35 U.S.C. § 103(a) over Langley (U.S. Pat. No. 5,560,974) ("Langley") in view of Reed et al. (U.S. Pat. No. 5,653,699) ("Reed"). The Applicant again respectfully traverses the Examiner's present assertion that "Langley discloses the claimed invention ..." for the reasons explained in the response of June 12, 2001, and incorporated herein by reference.

With respect to Reed, the Applicant respectfully submits that Reed's exudate transport layer is not a "microporous adhesive core layer ... wherein said micropores ... substantially prevent the passage of liquid water." Indeed, to the contrary, Reed's exudate transport layer is intended and specifically designed to absorb and transport wound exudate (*i.e.*, liquid) to the surface film that exhibits a differential MVTR property. Reed, col. 6, lines 13-50. In so doing, Reed's exudate transport layer will, as a matter of course, be wetted by the exudate. The Applicant also respectfully notes that Reed does not teach or suggest that the exudate transport layer be continuous, but instead teaches that the exudate transport layer can comprise between 20% and 80% open area, Reed, col. 15, lines 16-25. The Applicant respectfully contends, therefore, that Reed cannot fairly be said to teach or suggest a layer equivalent in structure or function to the Applicant's layer D.

Further, the Applicant respectfully notes that Reed's film layer is not "coextruded" with the exudate transport layer, but is preferably "cast as a thin, continuous, monolithic film of desired thickness from a solvent" to produce a film having a differential wet-to-dry MVTR ratio greater than 1. Reed, col. 9, lines 42-54. This cast film is then laminated to the separately prepared exudate transport layer to form the basic Reed structure. Further, the Applicant respectfully notes that Reed teaches that the overall thickness of the laminate structure can exceed ½ inch, with the single polymeric film typically comprising more than

1 mil of that thickness, and preferably 1.5-2.0 mils. Reed, col. 16, lines 31-42. The Applicant also notes that adding a fluid barrier film to both sides of Reed's exudate transport layer, to produce the claimed C:D:C structure of the present invention, would destroy the intended function of Reed's laminate by preventing exudate from reaching the exudate transport layer. The Applicant respectfully contends, therefore, that Reed does not teach or suggest certain claimed features of the present invention.

The Applicant also respectfully notes that Reed's single film layer of 1.5-2.0 mils is more than 10 times the thickness of the monolithic layers present in the representative examples of the present invention, examples that typically have a *total* thickness of less than 1 mil, further underscoring the fundamental differences in both structure and function between Reed's laminate structure and the claimed trilayer film. The Applicant respectfully submits, therefore, that Reed simply would not provide the necessary motivation to one of ordinary skill to make the proposed combination. Further, although not conceding that such motivation exists, the Applicant respectfully contends that even if the proposed combination were made in accord with the teachings of the cited references, the resulting structure would remain substantially different than the claimed invention.

The Applicant also respectfully submits that one of ordinary skill seeking to utilize a differential moisture vapor transmission rate of a film at the external face of a wound dressing would not contemplate forming a structure that would prevent exudate from reaching the surface film layer. Indeed, as specifically taught by Reed, the purpose of the underlying layers is to allow exudate to reach the film layer and thereby increase the vapor transmission rate in high exudate situations. Thus, the Applicant respectfully contends that the combination proposed by the Examiner would defeat the very goal identified as the

motivation for making the combination, *i.e.*, to create an optimally moist wound healing environment, by trapping fluid at the wound. Action at 3-4. The Applicant respectfully submits, therefore, that the present invention is not taught or suggested by any logical combination of the cited references. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

Claim 32 stands rejected under 35 U.S.C. § 103(a) over Reed et al. (U.S. Pat. No. 5,653,699) ("Reed") in view of Langley (U.S. Pat. No. 5,560,974) ("Langley"). The Applicant again respectfully traverses the Examiner's characterization of Reed for at least the reasons detailed above. The Applicant respectfully contends that the above-noted deficiencies in Reed, particularly the failure to teach or suggest the claimed coextruded combination of a microporous layer D and a pair of monolithic layers C, are not remedied by the teachings of Langley. Further, as noted above, the construction of the required C:D:C structure is completely contrary to the teachings of Reed and would defeat the expressed purpose of the disclosed laminate structure. The Applicant also notes that neither Reed nor Langley provide structures comprising materials suitable for the process of coextrusion recited in claim 32, a process that, as explained in more detail in the response of June 12, 2001, produces a continuous C:D interface that is fundamentally different than the interfaces taught by Langley. The Applicant respectfully contends that, contrary to the Examiner's suggestion, the cited references do not provide sufficient motivation for one of ordinary skill to depart so fundamentally from the teachings of the primary Reed reference. Further, as noted above, even were the proposed combination to be made in accord with the teachings of the cited references, the resulting article would remain substantially different from the claimed film.

The Applicant also respectfully traverses the apparent reasoning that a desire for increased durability would somehow lead one of ordinary skill to depart from the teachings of Reed and incorporate another thin monolithic barrier layer, *i.e.*, the second claimed C layer. Indeed, the Applicant suggests that, rather than an additional monolithic layer, one of ordinary skill would seek to strengthen the structure with the spun-bonded polyolefin layers 12 and 16 specifically taught by Langley for such purposes. Langley, col. 5, line 52, to col. 6, line 24. The Applicant respectfully submits, therefore, that the degree to which the proposed combinations depart from the purpose and teaching of the cited references, suggests an improper application of hindsight in which the present invention provided both the template and motivation for the selection of elements from the prior art references. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

Having addressed each of the foregoing rejections or objections, it is respectfully submitted that this application is now in condition for allowance. Notice to that effect is respectfully requested.

FORTE
Appl. No. 08/374,117

RESPONSE

November 9, 2001

In the event that the Examiner believes that a telephone conference would expedite allowance of the application, the Examiner is invited to telephone the undersigned with any suggestions leading to the allowance of the application.

Respectfully submitted,

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